

REMARKS

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 2-4, 6-8, 10, 14-28 and amended claims 1, 5, 9 and 11-13 are in this application.

Claims 1-28 were rejected under 35 U.S.C. 102(e) as being anticipated by Negishi.

Amended independent claim 1 recites in part the following:

“a dividing means for dividing said second bit stream into access units;

an adding means for adding a start code in a format corresponding to the standard of said first bit stream to each of said access units obtained by dividing said second bit stream; and

a multiplexing means for defining a user operable region in access unit of said first bit stream and multiplexing and recording at least part of said second bit stream on said user operable region.”

Accordingly, in the device of claim 1, the second bit stream is divided into “access units” and “a start code in a format corresponding to the standard of said first bit stream” may be added “to each of said access units.” The present multiplexing means may define “a user operable region in access unit of said first bit stream and multiplexing and recording at least part of said second bit stream on said user operable region.” In Negishi, the schedule for the multiplexed stream is executed “by using the access unit information and the schedule information without actually encoding the data.” (Column 8, lines 9-12) It is respectfully submitted that Negishi as

applied by the Examiner (hereinafter, merely "Negishi") does not disclose the above features of claim 1. Accordingly, it is respectfully submitted that claim 1 is distinguishable from Negishi.

For similar or somewhat similar reasons, it is also respectfully submitted that independent claims 5, 9 and 11-13 are distinguishable from Negishi.

Claims 2-4, 6-8, 10, 14-28 depend from one of the independent claims and, as such, are distinguishable from Negishi for at least the reasons previously described.

In the event, that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference, there is the bases for a contrary view.

In view of the foregoing, entry of this amendment and these remarks and withdrawal of the rejection of claims 1-28 and the allowance of this application with claims 1-28 are respectfully requested.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By:



Dennis M. Smid  
Reg. No. 34,930  
(212) 588-0800